



Attorney's Docket No. 3477-89

PATENT

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

In re: Egan et al.

Group: 1642

Serial No.: 09/674,237

Examiner: M-T Davis

Filed: July 24, 2001

For: *ESE GENES AND PROTEINS*

Date: September 30, 2003

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Response to Restriction Requirement

In response to the third Restriction Requirement dated July 30, 2003, Applicants elect the claims of Group I (Claims 1-10, 19 and 50-53; drawn to an isolated nucleotide sequence encoding a mammalian Ese1 protein, a fragment of at least 10 consecutive nucleotides thereof, a complement thereof, a vector comprising said nucleic acid, a host cell comprising said vector, and a method for producing the mammalian Ese1 protein) with traverse, as Applicants respectfully submit that it would not be an undue burden to examine the claims concurrently. In particular, Applicants respectfully submit that the present restriction and election of species is unreasonably burdensome for the Applicants as it requires the Applicants to file at least 92 separate applications to pursue the subject matter of the originally filed claims. Applicants respectfully request that the Examiner reconsider the outstanding restriction and election of species and consolidate the species or claim groups for examination.

With respect to the election of species, it appears that it was intended that the Applicants elect between "human or mouse Ese," rather than "murine or mouse Ese" as indicated on page 15 (line 1) of the Office communication. Based on this assumption, Applicants are electing the species directed to "human Ese." Claims 1 (in part), Claim 3, Claim 4 (in part), Claims 8-10 (in part), and Claims 50-51 (in part) read on the elected species.

This application is in condition for substantive examination, which action is respectfully requested.

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Respectfully submitted,



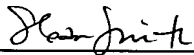
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